

Relative to: higher court case [cf. 15-1570]
lower court case: 1:13-cr-135M ("*Article I case*");

FILED

2017 MAY 12 P 3:16

U.S. DISTRICT COURT
DISTRICT OF KANSAS

**Notice of Objection and Demand for Justice by way of
a panel of the majority of judges [cf. rehearing en banc],
solely by way of a Constitutional Court under Article III sec. 2 clause 1**

Authorities: Article VI cl. 2 "Supreme Law"; also see Footnotes 7, 8, 9, 10 and 11;

Footnotes are on pages 6-12; Notice: In past, I meant Article III §2 cl.1 wherever I wrote Article III §1 cl.2

Attachments: Exhibit A = excerpt of Judgment (Article I Judgment);
Exhibit B = Definition of "counsel" near time of writing of the original federal Constitution;
and internet-archive of Court's FAQ page re presenting case personally, not pro se;
Exhibit C = Certificate of Ownership of Trade Name; JJF-04 (Authenticated)

NOTICE: On Wednesday, May 3, 2017, I received in-hand, the document "Judgment" dated "April 26, 2017" (hereinafter referred to as "*Article I Judgment*"); see excerpt attached as "Exhibit A". It was sent to an old address of mine. My updated address is now with the clerk.

Introductory Verification

1. I say by personal firsthand knowledge, under affirmation, that I am competent to make all of the statements below, as the truth of my beliefs; and said statements relate to challenges to jurisdiction **F24** and direct conflicts of said *Article I Judgment* with Supreme Court decisions **F12, F14, F40** ; and I believe no [wo]man has or will verify contrary statements, by personal firsthand knowledge **F1, F2, F3, F39** ;

2. I, [a] man, not another, not by way of another, dispute the Constitutionality, lawfulness and truthfulness of said *Article I Judgment*; it being in direct conflict with numerous Supreme Court decisions (see next page and footnotes on pages 6-12); and I object to its mischaracterization of my nature & status, and the nature of my documents: I am only man; without either legal titles or legal characteristics; I have always, and do now, decline all 3rd party and foreign representation, even Pro Se; [though] I do not waive My God-given right and religious choice of advisers ("counsel"; see Exhibit B) **F4, F5** ; as protected by the 1st and 9th amendment ("religion" and "retained") and my right to contract with whom I choose (Article I sec 10) **F15**;

3. My documents are claims of my God-given rights, not statutory requests or pleading;

Response to said Article I Judgment

4. I therefore respectfully wish and require to expose said conflicts, **solely by way of a Constitutional Court under Article III §2 cl. 1**, to the majority of active judges at the 'District Court of the land areas of the Union (a.k.a. "District Court of the United States" **F7 - F11 & F15** to adjudicate my forthcoming rebuttal Affidavit within 120 days, which will demonstrate:

- A. The record of My case [cf. 15-1570] and of the underlying *Article I case 1:13-cr-135M*, expose issues of, and challenges to, jurisdiction, subject matter jurisdiction **F24** and prosecutorial trespasses against My God-given Rights protected by the Bill of Rights; all of which are of exceptional importance (see sample issues listed after item 3 below) and in direct conflict with Supreme Court cases (pgs 6-12);
- B. Additionally, said "*Article I Judgment*" **conflicts with numerous, standing Supreme court decisions** (and other court decisions) to be listed and correlated in an Affidavit I will provide **within 120 days**. Said "*Article I Judgment*" and the prosecution of its *underlying Article I case*, also trespasses against several of my God-given rights protected by the federal Constitution and its Bill of Rights, of the land areas of the Union (created circa 1787-1791; formerly known as "United Colonies"), where I have always made my home, exclusively **F35-F36**. A sample of such conflicts and trespasses are listed under paragraph 3 below;
- C. Though not comprehensive yet, the following is a sample of said issues and trespasses being in conflict with standing Supreme Court cases, Bill of Rights and Acts of Congress that I wish and require to elaborate upon within 120 days, by way of a subsequent Affidavit, for adjudication **solely by way of a Constitutional Court **F7-F13**** and *the law common to me* (see 7th, 9th & 10th Amendments in Bill of Rights); **F14-F19**

**Overview of issues I will clarify and show are in direct conflict with
Supreme Court cases (and other cases)**

5. NOTICE: Citations created after year 1863 are provided for comparison, without intent to traverse;

6. I believe it is fact that **the record shows** said *Article I Judgment* **totally ignores at least 15 arguments in my undisputed Affidavit(s)** **F1, F2, F3, 21, 22 & 23**; which are all in harmony with standing Supreme Court decisions. (My Affidavits were recorded on or near May 2, 2016 into my case [cf. 15-1570] and amended by me on or near May 31, 2016; there are six categories of arguments and two have subcategories of distinct arguments: "Failure to Liberally Construe" has 12; and "No Jurisdiction - Court" has 3.)

7. Also, said undisputed Affidavit references over **18 undisputed Affidavits, challenging jurisdiction subject matter and issues of due process of the law common to me**; all recorded in said Article 1 case 1:13-cr-135M and affirmed in my living voice before a government officer **F24, F2, F12, F13**,

8. Most shocking, and I believe in direct conflict with standing supreme court decisions, is that said *Article I Judgment*, by its silence on the issues, approves of:

(A) Judge John J McConnell, Jr. appointing an attorney on the same day of trial, forcing failure to build a formidable defense by absence of trusting relationship, duty to investigate and to consult **F20, F21** ; see my relevant ground (argument) "Appoint Attorney same day as Trial, by force".

(B) Judge John J McConnell, Jr. aiding concealment of material facts, see paragraph 10 below;

(C) His failing to hold a hearing to hear arguments regarding my challenges to both jurisdiction and subject matter jurisdiction **F24, F25** ; E.g.: see my grounds "Failure to Liberally Construe" paragraphs A.- M. and "No Jurisdiction - Court" and its references to the *Article I case* dockets #51, 178, 174, 179, 212, 265, 266 and 276;

9. I believe it is fact that the record shows by way of my said undisputed Affidavit(s), that said "*Article I Judgment*" grossly misrepresents the only 3 arguments (out of 18) it responds to, by way of ignoring, foundational, material facts already on the record **F32** : " My Identity "Clarified", "My Choice of Counsel" and "No Jurisdiction - Acts of Congress (Willfulness); and that said "*Article I Judgment*" is in direct conflict with Supreme Court decisions, said Constitution and Acts of Congress of the land areas of said Union (shown in those grounds and in the footnotes on pgs 6-12 herein;

Additional arguments: re "counsel" see Exhibit B and citations at footnotes **F4, F5 & F15** ; re said *Article I Judgment's* suggestion that the word "counsel" in the 6th amendment means "a qualified member of the BAR" yet, the BAR did not exist for over 80 years after the Constitution of the land areas of Union was ratified! **F38** and the meanings "BAR" and "re-presentation" are not in the 6th; re My right to contract and to NOT contract with whom I choose, see footnotes at **F27, F28**

10. I believe it is fact my said undisputed Affidavit(s) demonstrate that both said "*Article I Judgment*" and the underlying *Article I case* 1:13-cr-135M, are both in conflict with Supreme Court cases, said Constitution and Acts of Congress, by demonstrating that:

I have neither seen nor been presented with facts or evidence, verified by personal firsthand knowledge under oath or affirmation, which demonstrates that either I or the artificial being/trust, John J Fall (a.k.a. John Fall, etc.):

(a) has ever been subject to and/or liable to, jurisdiction created by way Article I (Article I § cl. 17) of the federal Constitution(s); **F8, F9, F10, F11, F14 & F15**

(b) has either intended, been accused of, caused and/or is liable for, a wrong (such as oppression, harassment, harm, injury and/or financial loss verified as true, due and owing); **F12, F13, F25**

[... continued on next page]

(c) has ever consented to, breached, and/or is liable to, either a statute of liability or a valid assent; **F26, F27, F28 & F29** ; e.g: See my ground (argument) "No Jurisdiction - Court";

(d) has violated or breached a specified section of an Act of Congress (see Article I sec. 7 for the steps required to create an Act of Congress) **F29, F30, F31 & F32** [see Judge John J McConnell's relentless aiding of prosecutors' and IRS agents' concealment of the Act of Congress that is basis for prosecution; by allowing their silence to dockets #278 and its predecessors #265, 197, 195, 179, 118 and 179]; See my ground (argument) Failure to Liberally Construe paragraph A, and ground "No Jurisdiction - Act of Congress (willfulness) **F32**];

and, under penalty of perjury, I believe no such proof, facts and/or evidence will ever come forth, and I believe there is no basis for such to come to forth; **F1, F2, F3, F12, F13 & F25**

11. On the contrary, I believe the record shows, by way of My undisputed Affidavits (docket #197 (and to a lesser degree, #218), that I delivered (by return receipt mail) over 16 letters to the IRS (years 2004-2013) demanding authority for its assessments and offering to satisfy a proof of claim (though I believe[d] no valid claim exists); and I received no responsive reply; only threats; **F31, F32**

12. **Furthermore, I believe the entire Article I case is based on two fraudulent assessments**, being refuted by FOIA responses signed by IRS employees attached to my undisputed Affidavit/docket #197 (and #218); which also constructively reports crimes against the [wo]man who sometimes act as IRS employees behind said assessments, and against prosecutors who knowingly based said *Article I case on them*; which I augmented by my undisputed report of crimes filed into my case [cf. 15-1570] on or near Aug. 1, 2016 [re cf. 26 U.S.C. 7214 (1), (2),(3), (4), (5), (6) and (7) and (8)];

13. I believe it is fact the record shows that only I, [as] man, have asserted verified accusations of wrong(s) and crime(s), and a verified claim for my property (my time, freedom, etc.), both under Article III; see my ground (argument) "Failure To Liberally Construe" paragraphs "G", I." & "J."; and the record shows no verified rebuttal by personal firsthand knowledge. Therefore, I believe failing to restore my property directly conflicts with equity and Supreme Court decisions **F2, F12, F13, F33**;

14. I [therefore] believe it is fact my said undisputed Affidavit(s), demonstrate horrifying and unconstitutional trespasses against My God-given rights, protected by the Bill of Rights' Amendments 1, 5, 6, 7, 9 and 10; such as *due process of the law common to me*, as protected by the original federal Constitution of the land areas of the Union (created circa 1787-1791; formerly known as the "United Colonies"); and that said Article I Judgment and said Article I case have neither Constitutional authority nor Congressional authority to issue orders "regarding a debt" and affect me, my property and beneficial interests; see footnotes **F27, F24 & F33**; see Exhibit C for part of my property being wrongly used by said *Article I Judgment* and others ;

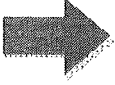
Foundational Jurisdiction issues

15. I believe it is fact that the record shows by way of my undisputed Affidavit(s), that I have always been one of the "people" of the "joint tenants in the sovereignty" (as recognized by the original Supreme Court" **F34, F16, F18** ; see Ground "My identity Clarified" and "My statement of jurisdiction); having always made my home exclusively upon said land areas of the counties of the Union); to the exclusion of, and without liability to, all other jurisdiction(s) **F35** ; especially excluding jurisdiction created by way of Article I (Article I §8 cl. 17) of the federal Constitution(s); Therefore, I believe that the imposition of jurisdiction, codes, rules, procedures and etc., created by said Article I jurisdiction is in direct conflict with Supreme Court decisions; **F9, F10, F11**

16. My authority is Genesis 1:26 of the Holy Scriptures **F19**; and thereby, my authority is, I am, and have always been, exclusively, one of the people of said "joint tenants in the sovereignty"; My colors and flag are the flag of the land area of Massachusetts as flown in year 1791; **F34, F35**

17. I believe it is fact that the record shows by way of my undisputed Affidavit(s), that I gave notice that I appear solely by restricted appearance, and without intent to traverse into, nor be liable to, jurisdiction created by Article I (Article I §8 cl. 17);

18. I believe my said undisputed Affidavit(s) are in harmony with Supreme Court opinions, and demonstrate conclusively, without verified dispute on the record, that I have never been, and am not now, either subject to, or liable to, either said jurisdiction or its corporations i.e.: the District of Columbia municipal corporation, [a.k.a.] UNITED STATES OF AMERICA; **F10, F11** & its juristic persons;

 19. And yet, I believe it is fact that both said "Article I Judgment" and said underlying Article I case did, and do, wrongly impose "a court created by Congress" **F36 & F11**, under jurisdiction created by Article I (Article I §8 cl. 17), instead of a proper "Constitutional Court" **F7, F8, F9 & F10**

20. I therefore believe imposition of said jurisdiction by said underlying Article I case and said "Article I Judgment", is in direct conflict with Supreme Court decisions and said Constitution, by way of:

- A. **abrogating Separation of Powers** **F7**, [wrongly combining legislative and judicial powers in the in the land areas of the Union];
- B. **violating and breaching the Tenth Amendment** **F15, F17 & F24**
and
- C. **being "treason to the Constitution"** **F37**;

[...continued on next page]

all in a manner that resulted in horrific trespasses against me and my property (My God-given rights), including but not limited to, false imprisonment from September 19, 2013 to present **F20**;

21. I believe it is fact that said false imprisonment (OVER FORTY THOUSAND IRREPLACABLE HOURS, OF MY LIFE,) resulted from full-knowing and deliberate violation of My God-given rights protected by the Bill of Rights; not the least of which was depriving me of *due process of the law common to me* and a proper Constitutional Court under Article III sec. 2 cl. 1 and, shockingly, Judge John J. McConnell's relentless aid to concealing the Act of Congress that is supposedly basis for said *Article I case*: see said *Article I case* dockets #278 and its predecessors #265, 197, 195, 179 and 179;

22. [CONCLUSION:] I have not seen evidence or facts verified by personal firsthand knowledge, which demonstrates that the prosecution of said *Article I case* was based on both, congressional authority and constitutional authority; and I believe none exist; **F40**

23. All documents bearing my name, signature and/or the name of the artificial being John J. Fall (and all its variations of syntax and spelling) are my property;

24. Failure of all parties, if any, to rebut point for point, my foregoing statements within 20 days, demonstrates full-knowing and unreserved acceptance of each such points and statements;

NOTICE: For each unresolved ground (argument), I wish to set precedent at Supreme Court of the Union of land areas **solely under Article III, sec. 2 cl.1** [not the U.S. Supreme Court], to prevent other victims being terrorized as I have been; and concurrently I will require Congress to exercise its authority to pass "regulation" under Article III, sec 2 for such prevention ("*...Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.*" [Emphasis added])

By: *John Joseph Fall, non-liaible agent,
Secured Party and owner re
John J. Fall*

Footnotes

NOTICE: All citations created after year 1863 are provided for comparison and without intent to traverse into jurisdiction(s) created by Article I (i.e.: Article I section 8 clause 17) of the federal Constitutions of either the original jurisdiction created circa 1787-1791) or, the District of Columbia municipal corporation a.k.a. the federal corporation UNITED STATES OF AMERICA;

F1 = cf. Federal Rules of Evidence (FRE) Rule 602 [the requirement of personal firsthand knowledge]

cf. FRE Rule 803 "exceptions" [... "neither this rule [803] nor rule 804 dispenses with the requirement of firsthand knowledge";

F2 = cf. 'Undenied allegations must be accepted as true'

335 US 601, Klapprott v United States, S.Ct. (1949) [continued on next page ...]

cf. "... must accept as true all material allegations of the complaint"
422 US 490, *Warth v Seldin*, S. Ct. (1975);

cf. **"Court of Appeals may not assume the truth of allegations in a pleading which are contradicted by Affidavit"**

Data Disc, Inc. v Systems Tech. Assoc., Inc. 557 F.2d 1280 (9th Circuit, 1977);
[Emphasis added]

F3 = *cf.* FRCP Rule 8 (b)(6) "Effect of failing to Deny";

cf. **"Failure to contest an assertion, however, is considered evidence of acquiescence..."**

422 US 171, *United States v Hale*; S. Ct. (1975); at [422 US 176]

F4 = *cf.* 28 U.S.C. §1654 [... may plead and conduct their own cases personally...]

F5 = *cf.* http://www.almd.uscourts.gov/faqs/prose_faq.htm (http://www.almd.uscourts.gov/faqs/prose_faq.htm#mean)

NOTICE: The foregoing two web pages now conceal the following truth/wording, so here is the internet-archived link that shows the Court's FAQs that did display the following truth/wording as of Dec. 6 2013:

https://web.archive.org/web/20131206015835/http://www.almd.uscourts.gov/faqs/prose_faq.htm#mean

***"... you have the right to pursue your claim(s) in court by
appearing without representation or pro se..."***

Note: It is curious that the foregoing truth/wording was removed from the court's website after I raised the issue in a hearing of April 24, 2014; and then again by my affidavits at dockets referenced my ground "My Choice of Counsel"; see Exhibit B (page 2 of 2); and see page 1 of 2;

F6 = see My undisputed Affidavit(s): Ground (arguments) "My Identity Clarified" and "My Choice of Counsel" recorded into my case [cf. 15-1570] on or near May 2, 2016 and amended by me on or near May 31, 2016;

F7 = *cf.* "The words "district court of the United States" commonly describe constitutional courts created under Article III of the Constitution, not the legislative courts which have long been the courts of the Territories.^[4] See *Mookini v. United States, supra*, p. 205.

Longshoremen v. Juneau Spruce Corp., 342 U.S. 237 (1952)at/under ¶ 241 [Emphasis added]

cf. "The term 'District Courts of the United States' ... describes **Constitutional Courts under Article 3** of the Constitution. [However] Courts of the territories are legislative courts properly speaking, and are not "District courts of the United States ..."
303 US 201, *Mookini v U.S.* S. Ct. (1938) at ¶ [303 US 205] [Emphasis & brackets added]

F8 = *cf.* "**The United States district court is not a true United States court established under Article III of the Constitution** to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under Article IV, § 3, of that instrument, of making all needful rules and regulations **respecting the territory** belonging to the United States. [Emphasis added]

258 US 298, Balzac v Porto Rico; S. Ct.(1992) at ¶ [258 US 312]

F9 = *cf.* "**no jurisdiction other than specified in Art[icle] 3 can be imposed on courts** that exercise judicial power. of the United States thereunder. The other is that Art[icle] 1 powers over the District of Columbia must be exercised solely **within that geographic area**".

[Emphasis Added];

337 US 582, National Mutual Ins Co. v Tidewater T. Co. S.Ct.,;
at paragraph [337 US 590]

F10 = *cf.* "**A corporation**, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, **and can therefore neither plead nor be impleaded in the courts of the United States.**" (under ¶ 98)

... a corporation ... must be excluded from the courts of the Union"

(under ¶ 99) [Emphasis added]

Rundle v. Delaware & Raritan Canal Company, S. Ct. 55 U.S. 14 How. 80 80 (1852);

F11 = *cf.* "the United States is a foreign corporation" - 19 C.J.S. § 883 See Footnote 10 above.

cf. "the United States is a federal corporation" - 28 U.S.C. § 3002(A)(15)

cf. "the United States is located in the District of Columbia" - UCC § 9-307(h)

F12 = *cf.* 45 LED2D 343, Warth v Seldin; S. Ct. (1975) under "Section II",
[422 US 498], then [422. US 499]

"In the Constitution dimension, standing imports justiciability, that is, ... within the meaning of Article III of the federal Constitution...";

[422. US 499]

"Under Article III of the federal Constitution judicial power: exists only to redress or otherwise protect against injury... therefore can be invoked **only when** the plaintiff **himself** has, suffered some threatened or actual injury..." [Emphasis added]

F13 = *cf.* 45 LED2D 343, *Warth v Seldin*, S.Ct. (1975) at ¶¶422 US 500]
 "plaintiff ... must assert his own legal rights and interest, and cannot rest his claim to relief on the legal rights of third parties"

"To show standing, the plaintiff must allege a distinct and palpable injury to himself, even if an injury [is] shared by a large class of other possible litigants"; [Emphasis added]

F14 = See paragraph 7 in ground "My Identity "Clarified) recorded into my case [cf. 15-1570] on or near May 2, 2016 and amended by me on or near May 31, 2016;

F15 = *cf.* *Bond v United States*, S. Ct. No. 09-1227, June 16, 2011; [Under Section] III
 *Bond* seeks to vindicate her own constitutional interests.
 The individual, in a proper case, can assert injury from governmental action taken in excess of the authority that federalism defines.
 ...
 By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. **When government acts in excess of its lawful powers, that liberty is at stake**
 ...
 An individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States when the enforcement of those laws **causes injury that is concrete, particular, and redressable.**
 ...
 In the precedents of this Court, the claims of individuals not of Government departments have been the principal source of judicial decisions concerning separation of powers and checks and balances.
 ...
 For example, the requirement that a bill enacted by Congress be presented to the President for signature before it can become law gives the President a check over Congress' exercise of legislative power. See U.S. Const., Art. I, §7. **Yet individuals, too, are protected by the operations of separation of powers and checks and balances;**... [Emphasis added]

F16 = *cf.* 118 US 356, *Yick Wo v Hopkins*, S.Ct. (1886) at paragraph [118 US 370]
 "...sovereignty itself is, of course, not subject to the law,
 for it is the author and source of the law;
 . . . sovereignty itself remains with the people, by whom and for whom all government exists and acts", [Emphasis Added]

cf. 182 US 244, *Downes v Bidwell*; May 27, 1901 at ¶¶182 US 359]

- F17 = *cf.* UCC 1-103.6 [UCC/District of Columbia Code must be in harmony with the Common Law and the Bill of Rights];
- F18 = *cf.* "In this country, sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution, entrusted to it; all else is withheld..."
110 US 421,467, *Julliard v Greenman*; S.Ct.(1884); under ¶ [110 US 467]
- F19 = *cf.* 135 S.Ct. 2128, *Kerry v Dinn* S. Ct.(2015) at line {135 S.Ct.2133}
"... to worship God according to the dictates of his own conscience";
At line {135 S.Ct. 2134}
"Because extending constitutional protection to an asserted right or liberty interest place[s] the matter outside the area of public debate and legislative actions.";
- F20 = I believe the federal Constitution of my jurisdiction, the land areas of said Union, ended with the 13th amendment; and then when the District of Columbia municipal corporation usurped our country, it employed an imposter version, now referenced by its agents, with more amendments [applicable to citizens created by the 14th amendment];
- F21= See "redress" in the 1st amendment in the Bill of Rights
- F22 = *cf.* "[the] **right to be heard**" is protected by "a number of explicit rights " in the Bill of Rights"
372 US 391, *Fay v Noia*, S. Ct.
- F23 = *cf.* [the court must aid me in] "**exhibiting**" [my] "**case fully**"
98 US 61, *United States v Throckmorton* (1878)
- F24 = *cf.* "**However late this objection** has been made, or may be made in any cause, in an inferior **or appellate court** of the United States, **it must be considered and decided, before any court can move one further step** in the cause; as any movement is necessarily the exercise of jurisdiction. [Emphasis added]
Rhode Island v. Massachusetts, 37 U.S. 12 Pet. 657 S. Ct. (1838) under paragraph 718
- F25 = *cf.* "There must be a purpose intent to harass, oppress or injure another..."
461 US 632, *Smith v Wade*; S. Ct. (1982) at ¶ [footnote12,second set of footnotes];
- F26 = *cf.* "... a statute of liability wants all the elements of a contract, consideration, mutuality as well as the assent of the party";
146 US 162, *Morley v Lake Shore Michigan Southern R. Co.*, S. Ct. (1892);
at below ¶ [146 US169]

- F27 =** *cf.* "No individual can be made a debtor against his Will";
10 LED 223 13 Peters 400, The Heirs of Emerson v Hall; S. Ct. at. ¶ [13 peters 412]
cf. 28 U.S.C. 3002(8) ["judgment means ... regarding a debt"]
- F28 =** *cf.* "*right of individual to contract*";
135 S.Ct. 2138 Kerry v Dinn (2015) at just above ¶ (135 S.Ct. 2133)
See also Article I sec. 10 of the federal Constitution of the land areas of the Union:
"No State shall ... [make any law] impairing the obligation of Contracts.";
- F29 =** I believe Article 1 section 7 requires multiple steps for a valid enforceable Act of Congress; see also, Law Revision Counsel's website for non-positive law footnotes;
- F30 =** *cf.* "It is the province and duty of the judicial department to say what the law is";
3 LED 2D 5, 358 US 1, Cooper v Aaron;
- F31 =** *cf.* "No citizen shall be imprisoned by the United States except pursuant to an Act of Congress..."; 18 U.S.C. §4001;
- F32 =** *cf.* "Silence equates to fraud when there is a legal or moral duty to respond, or where a question left unanswered would be intentionally misleading."
U.S. v. Prudden 424 Fed. 2nd 1021.
cf. "Fraud", as defined in Black's Law dictionary, 7th Edition:
1. A knowing misrepresentation of the truth or **concealment of a material fact to induce another to act to his or her detriment.**
cf. "Fraud vitiates the most solemn contracts, documents, & even judgments"
98 US 61, U.S. v Throckmorton S. Ct.
- F33 =** *cf.* "The government should exercise all powers it has for the protection of the rights of its citizens, but it can exercise no other"
92 US 542, United States v Cruikshank, S. Ct. (1876)
- F34 =** "**at the Revolution, the sovereignty devolved on the people and they are truly .the sovereigns of the country...as joint tenants in the sovereignty**" [Emphasis Added]
2 US 419, 471, Chisolm v Georgia S. Ct. (1793)

- F35 =** cf. 306 US398, Texas v Florida; S.Ct.)(1939) at ¶ [306 US 429]
"That for the purposes of legal rights and liabilities a person must have one domicile, and can have only one, is a historic rule of the common law and justified by much good sense.";;
at ¶ [306 US 424]
"**Residence in fact, coupled with the purpose** to make the place of residence one's home, are the essential elements of domicil...; "While one's statements may establish evidence of intention requisite to establish domicil at a given place of residence, **they cannot supply the fact of residence** there..."; [Emphasis added]
cf. 265 US 47, Cook v Tait; S.Ct. (1924) at last ¶ of [265 US 56]
"the basis of power ... [is] dependant ... upon his relation **as citizen** to the United States [a.k.a. the District of Columbia municipal corporation] and the relation of the latter to him as a citizen". [Emphasis and bracketed info added];
- F36 =** cf. [cf. 28 U.S.C. 3002(2) [Court means ... a court created by Congress]
- F37 =** "We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be **treason to the Constitution**". [Emphasis Added];
Cohens v Virginia, 19 US 264, 6 Wheat, 265, 5 L.Ed. 257 S.Ct. (1821)
- F38 =** cf. "We are bound to interpret the constitution in the light of the law as it existed at the time it was adopted"
156 US 237, 243 Mattox v U.S. S. Ct. (1895)
- F39 =** cf. 319 US624, West Virginia State Bd. of Edu. v Barnette, S. Ct. (1943);
at paragraph [319 US 624]
"... no official high or petty can prescribe... matters of. opinion or force citizens to confess by word or act their faith therein.";
- F 40 =** cf. "It remains rudimentary law that [a]s regards **all courts of the United States** inferior to this tribunal [Supreme Court of the United States], **two things are necessary to create jurisdiction**, whether original or appellate.
The Constitution must have given to the court capacity to take it, and an Act of Congress must have supplied it...";
490 US 545, Finley v United States; S. Ct. (1989) at ¶ [490 US548]

Dedicated to all the young men who died & suffered in battle for my country. May God Bless America.

" No man survives when freedom fails. The best men rot in filthy jails. And those who cried, 'Appease, appease', are hanged by those they tried to please" - Lee Hayes, Radioman on the U.S.S. Pueblo, American warship hijacked by North Korea

Exhibit A

United States Court of Appeals For the First Circuit

No. 15-1570

UNITED STATES,

Appellee,

v.

JOHN J. FALL,

Defendant, Appellant.

Before

Thompson, Kayatta and Barron,
Circuit Judges.

JUDGMENT

Entered: April 26, 2017

In this direct criminal appeal, which appellant John Fall has elected to pursue pro se, Fall challenges his prosecution and conviction for certain federal tax law crimes. After review of the district court record and the parties' briefs, we conclude that summary affirmance is appropriate and deny pending motions that have not been addressed in our prior orders. We briefly explain our decision.

In large part, Fall raises meritless sovereign citizen arguments, which have "no conceivable validity in American law." United States v. Banks, 828 F.3d 609, 615 n.1 (7th Cir. 2016) (citations omitted), cert. denied, 2017 WL 176675 (U.S. 2/21/17) (No. 16-7571). Furthermore, given his insistence on pursuing those arguments during pretrial proceedings and his refusal to obey court orders, the district court permissibly revoked Fall's pro se status and appointed counsel to represent him at trial. See Faretta v. California, 422 U.S. 806, 834 n.46 (1975) (acknowledging that "the trial judge may terminate self-representation by a defendant who deliberately engages in serious and obstructionist misconduct") (citing generally to Illinois v. Allen, 397 U.S. 337 (1970)). Nor did Fall have a Sixth Amendment right to the assistance of a non-attorney at trial, as he claims. See United States v. Gonzalez-Lopez, 548 U.S. 140, 144, 151-52 (2006) (the Sixth Amendment guarantees non-indigent defendants the right to representation by a qualified member of the bar); Luis v. United States, 136 S. Ct. 1083, 1089 (2016) (indigent defendants are entitled to adequate

Exhibit B
(two pages)

American Dictionary of the English Language Noah Webster 1828

Advise ADVISE, verb transitive s as z. [See Advice.]

1. To give counsel to; to offer an opinion, as worthy or expedient to be followed; as, I advise you to be cautious of speculation.

COUNSEL, *noun* [Latin , to consult; to ask, to assail.]

1. Advice; opinion, or instruction, given upon request or otherwise, for directing the judgment or conduct of another; opinion given upon deliberation or consultation.

Every purpose is established by *counsel* Proverbs 20:5.

Thou hast not hearkened to my *counsel* 2 Chronicles 25:16.

2. Consultation; interchange of opinions.

We took sweet *counsel* together. Psalms 55:14.

3. Deliberation; examination of consequences.

They all confess that, in the working of that first cause, *counsel* is used, reason followed, and a way observed.

4. Prudence; deliberate opinion or judgment, or the faculty or habit of judging with caution.

O how comely is the wisdom of old men, and understanding and *counsel* to men of honor. Ecclus. 25.

The law shall perish from the priest, and *counsel* from the ancients. Ezekiel 7:26.

5. In a bad sense, evil advice or designs; art; machination.

The *counsel* of the froward is carried headlong. Job 5:13.

6. Secresy; the secrets entrusted in consultation; secret opinions or purposes. Let a man keep his own *counsel*

7. In a scriptural sense, purpose; design; will; decree.

What thy *counsel* determined before to be done. Acts 4:28.

To show the immutability of his *counsel* Hebrews 6:17.

8. Directions of Gods word.

Thou shalt guide me by thy *counsel* Psalms 73:24.

9. The will of God or his truth and doctrines concerning the way of salvation.

I have not shunned to declare to you all the *counsel* of God. Acts 20:27.

10. Those who give *counsel* in law; **any** counselor or advocate, or any number of counselors, barristers or sergeants; as the plaintiffs *counsel* or the defendants *counsel*. The attorney-general and solicitor-general are the kings *counsel*. In this sense, the word has no plural; but in the singular number, is applicable to one or more persons. [Emphasis added]

considering pro se or self-representation to carefully review the risks associated with self-representation and to educate themselves regarding potential consequences.

here an alternative to appearing pro se (representing yourself) that is affordable?

Most people who file and pursue litigation in the federal court employ a licensed attorney, who practices law, has appeared in court, and is familiar with the rules of procedure that govern court processes. Some attorneys may be willing to accept your case on a contingency basis where the attorney would receive a fee based upon a percentage of your recovery if you win your case, and the attorney would get nothing if you do not prevail. There are provisions under some laws that require the other side to pay your attorneys fees should you win your case.

Most attorneys are careful when screening cases before agreeing to accept them in order to make sure potential clients have a viable chance for winning a case which would allow them to collect a fee. If an attorney rejects your case, reasons for such an action could be based on considerations such as:

- There may be no merit to your case;
- You may not be able to prove anyone liable for wrong done to you;
- The wrong done to you may not be severe enough to warrant monetary damages;
- You have no witnesses; or
- Your witnesses are not credible.

If you are unable to find an attorney to represent you, you have the right to pursue your claim(s) in the court by appearing without representation or pro se, a Latin phrase meaning "for oneself." Bear in mind that as a pro se litigant, you are representing only yourself and presenting only your claims and defenses. Under the law, you cannot speak for another person, a company, or other entity such as a club or association that includes other individuals. When you appear pro se, you must follow the same rules and procedures that licensed attorneys practicing in this court must follow. Generally, judges hold pro se

← "without"

Exhibit B
(two pages)

Exhibit C

Certificate of Ownership of Trade Name; JJF-04

NOTICE: Exhibits C is on the Public Record **F41**

NOTICE: Notary's signature is now authenticated;

F41 = *cf.* FRE 902(11);

cf. FRE Rule 201(c)(2) [must take judicial notice];

cf. Federal Rule of Evidence (FRE) 201, "Case Annotations...

1. In General... 3. Kinds of facts noticed...

6. Public Record [4th paragraph]

["... Court takes judicial notice... of... County General Index where all deeds and Index are recorded, **are not subject to dispute...**"]

[at last paragraph:]

"court, took judicial notice ... of documents ... recorded by county recorder..."

[Emphasis added].

cf. 46 Am Jur 2d "Judgments" §100 [judgment must identify parties with certainty, and if it does not, is void'];

cf. 18 U.S.C. § 2329 [criminal infringement of a copyright]

NOTICE: All citations created after year 1863 are provided for comparison and without intent to traverse.

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(90)



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10/17/2016 03:38:40 PM 1/6

FILED Mark Chilton
Register of Deeds, Orange Co, NC
Recording Fee: \$26.00
NC Real Estate TX: \$.00

mb

RETURN TO GRANTOR ADDRESS BELOW

Cover Page for Recording of:

"Certificate of Ownership of Trade Name JTF-04

(3 Pages; Pages 1 to 3)

Grantee: JOHN JOSEPH FALL [corporate sole]
% P.O. BOX 1000 OLD NORTH CAROLINA HWY
BUTNER, NORTH CAROLINA [27509]

Grantor: John Joseph Fall, the man
% P.O. Box 1000 Old North Carolina Hwy
Butner, North Carolina [27509]



NOTICE: Certificate of Ownership of Trade Name;
(By Way Of
Copyright and Trade Name, In Common Law)

JJF-04

Notice: The word "or" is not exclusive as used herein; it does not negate;

I, the man, John Joseph Fall, Being one of the Joint Tenants in the Sovereignty
(2 US 419, 471 Chisolm v Georgia (1793)) give notice that:

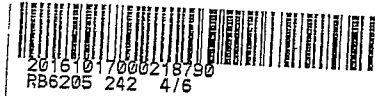
1. That I am a Citizen of My family and natural born on the land of the Union (created circa 1787-1789; formerly the "Union of Colonies") and not subject to any other jurisdiction;
2. The following name(s) are my property, having been derived solely from My existence since I was born the 4th day of April, 1961: JOHN JOSEPH FALL and all variations of spelling and syntax of that name, including but not limited to John J Fall, JOHN J FALL, John Joseph Fall, JOHN FALL, FALL, JOHN J; and Fall, John J;
3. That said name(s) are My copyright in common law and are subject to the "Terms of User Fees" described herein;
4. That said name(s) are My trade name and trademark in common law, Being in the nature of a trust with me as sole grantor, sole beneficiary, non-liaible agent and never fiduciary and are subject to the "Terms of User Fees" described herein;
5. This is notice to all principals and agents of fees I require for unauthorized use of said name(s); thus, notice to agent is notice to all agents and principals and notice to principal is notice to all agents and principals; "unauthorized" means, and is defined as: the use of said name(s) without express written permission solely from Me, to use said name(s); at no time do I, or will I, give implied or tacit permission to use said name(s); Any and all orders, demands, statements, invoices or bills alleging a debt or duty by way of said name(s) do and shall automatically and retroactively impute and incur the greatest amount of the following user fees without prior notice from Me:



USER FEES

JJF-04

- A) For unintentional and unauthorized use of said name(s), the user fee is \$250,000.00 (two hundred fifty thousand) United States Dollars per use or, if greater, per hour of use, rounded to the nearest whole number;
 - B) For unauthorized use of said name(s), with prior notice of this "Notice of Copyright and Trade Name, In Common Law", the user fee is \$250,000,000.00 (two hundred fifty million) United States Dollars per use or, if greater, per hour of use, rounded to the nearest whole number;
 - C) For unauthorized use which results in attempted or actual trespass on My property, the user fee is and shall be \$2,500,000,000.00 (two billion five hundred million) United States Dollars per use or, if greater, per hour of use, rounded to the nearest whole number; examples of My property include but are not limited to: My God-given rights, My time, freedom, locomotion, mental peace and happiness, earning ability, reputation, dignity and status;
6. Upon user incurring any of the foregoing fees, such use shall authorize me to simultaneously have full power of attorney to administer and execute all documents, processes, proceedings and recordings, plus hire all needed professional services, and sign such as user's attorney-in-fact, to collect said fees by way of liquidating, selling, exchanging, encumbering, placing liens upon, placing lis pendens against, and/or hypothecating any and all assets, tangible and intangible, now owned and hereafter acquired by such user; such user agrees to hold harmless and indemnify me from all liability relevant to such attorney-in-fact.



CERTIFICATE OF OWNERSHIP OF TRADE NAME

JJF-0:4

The undersigned representative, to engage in business in Granville County, North Carolina state, by way of a trade name, hereby verifies that:

1. The name of the corporate sole under which the business is conducted, is the name of: JOHN JOSEPH FALL;

2. The name and address of the owner of such business and trade name is:

the man, John Joseph Fall, c/o P.O. Box 1000, Old North Carolina Hwy 75 North Carolina;

3. The nature of the business is a [constructive] trust, with said man as the sole beneficiary and grantor and never fiduciary;

Cf. Federal Code 2319; Criminal Infringement of a copy written (copyrighted) trade name; a fine plus 1 (one) year in jail for each violation.

In witness whereof, this certificate is signed in the name of the corporate sole by its non-labile authorized representative, this 1st day of June (month), 2016 (year),

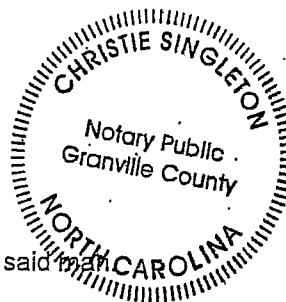
BY: John Joseph Fall
non-labile Authorized Representative

I, Christie Singleton, a Notary Public, do hereby verify that the man, John Joseph Fall, non-labile authorized representative, personally appeared before me on the date of my signature below and signed the foregoing certificate on behalf of the said business and trade name JOHN JOSEPH FALL; and stated out loud, in living voice: Under affirmation and with firsthand knowledge, I say here that the foregoing statements are the truth of My beliefs, without intent to mislead and I believe no [wo]man will say contrary as firsthand knowledge, under oath or affirmation";

Witness my hand and seal on this 1 (day) of June (month), 2016 (year)

Christie Singleton
Notary Public

SEAL:



01-11-19
My commission expires

Notice: This document is the property of said man

CERTIFICATION OF NOTARY

STATE OF NORTH CAROLINA

GRANVILLE COUNTY

I, KATHY M. TAYLOR, REGISTER OF DEEDS OF THE AFORESAID COUNTY
AND STATE, DO HEREBY CERTIFY THAT Christie Singleton
AT THE TIME OF SIGNING THIS DOCUMENT WAS A DULY COMMISSIONED
NOTARY PUBLIC IN AND FOR THE COUNTY OF GRANVILLE, STATE OF NORTH
CAROLINA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL. THIS 9th DAY OF March, 2017.

Kathy M. Taylor
KATHY M. TAYLOR

REGISTER OF DEEDS

BY _____

ASST./DEPUTY REGISTER OF DEEDS

